

**EASTPORT CITY COUNCIL
REGULAR MEETING
WEDNESDAY, MARCH 9TH, 2011
6:00 P.M. SHEAD HIGH SCHOOL**

1. CALL TO ORDER

The meeting was called to order by the City Clerk, Ella Kowal, at 6:00 p.m. as the Council President, Robert Peacock would be arriving late for this evening's meeting due to his work schedule. Those in attendance were Councilor Paul Critchley, Councilor Mike Cummings, Councilor John Miller, and Councilor Dave Morang. Also present was City Manager, Jon Southern.

The floor was then opened to accept nominations for a **Chairman Pro Tem** for this evening's meeting until Chairman Peacock's arrival.

MOTION CRITCHLEY SECOND MILLER
To nominate and approve **Councilor Dave Morang** to serve as **Chairman Pro Tem** for this evening's meeting until the arrival of Chairman Robert Peacock.

PASSED 3-0

Chairman Pro Tem, Dave Morang, addresses the floor and asks everyone for their patience as the meeting continues forward and also makes note that there is a great deal to cover this evening and is understanding of those in attendance of concerns relative to the Police Chief; however, he advises that this matter is a personnel issue and can only be discussed in Executive Session.

2. ADJUSTMENTS TO AGENDA

The City Clerk addresses the Council with two adjustments relative to this evening's agenda. The first being the appointment of Judith Robinson as Deputy Clerk, and the second being to reaffirm the assignment of election workers.

MOTION MILLER SECOND CRITCHLEY
To appoint Judith Robinson as Deputy Clerk.

PASSED 4-0

MOTION CRITCHLEY SECOND MILLER
To reaffirm the assignment of election workers as read and to appoint Leasa Garvin in Gayle Parker's stead as a replacement as Ms. Parker is stepping down and no longer able to serve due to her health.

PASSED 4-0

3. ACTION ON PUBLIC HEARINGS (THERE WERE NONE)

4. MINUTES OF PREVIOUS MEETING

MOTION CRITCHLEY SECOND MILLER
To approve the minutes of *February 9th, 2011* as presented.

PASSED 4-0

5. DEPARTMENT REPORTS

A. FINANCIAL REPORT

The City Manager speaks that in light of what is ahead of this evening's meeting, it is suggestion not to read the Financial Report by line item but rather reminds the Council and public that a copy has been and is always available from City Hall for review.

MOTION CRITCHLEY SECOND MILLER
To accept the **Financial Report for February, 2011** as presented.

PASSED 4-0

B. CODE ENFORCENFORCEMENT REPORT & ASSESSOR REPORTS

MOTION MILLER SECOND CRITCHLEY
To accept the **Code Enforcement Officer/Assessor Report for February, 2011** as presented.

PASSED 4-0

MOTION CRITCHLEY SECOND MILLER
To appoint **Kelly Erickson as a Full-Time member to the Planning Board** and to appoint **Peter Small as the Alternate**.

PASSED 4-0

C. POLICE DEPARTMENT REPORT

MOTION CRITCHLEY SECOND CUMMINGS
To accept the **Police Department Report for February, 2011** as presented.

PASSED 4-0

D. PUBLIC WORKS REPORT

MOTION CRITCHLEY SECOND MILLER

To accept the **Public Works Report for February, 2011** as presented.

PASSED 4-0

E. SEWER REPORT

MOTION CRITCHLEY SECOND MILLER

To accept the **Sewer Operations Report for February, 2011** as presented.

PASSED 4-0

6. BOARDS AND COMMITTEES - REPORTS & APPOINTMENTS

A. PLANNING BOARD (NONE)

B. ZONING BOARD OF APPEALS (NONE)

C. HISTORIC REVIEW BOARD (NONE)

D. AIRPORT (NONE)

E. HARBOR

The City Clerk advises the Council that *Scott Emery* has expressed an interest to serve as a member on the *Harbor Committee*. Chairman Pro Tem, Dave Morang asked if there was an opening at this time on the committee. The City Manager responded that there wasn't at this time. However, the Charter is specific to requiring that the City Manager serve on the committee and it is his hope to change the Charter in that respect and will have the necessary info available at the next Council of what is required to proceed forward with this change to the Charter. Once this takes place, then a position will become available to fill.

F. MARINE RESOURCE (NONE)

G. CEMETERY (NONE)

H. RECYCLING

The City Manager made mention that there is a need to address snow removal in front of the recycling building. Although it is hoped that we will not get much more this year, the City Manager will work with the Public Works Department to address this concern.

I. DOWNTOWN (NONE)

J. EASTPORT FOR PRIDE (NONE)

K. PORT REPORT

The City Manager updates that construction is underway and that progress is in place on the conveyor system. As to issues of permit delays, those have been resolved and taken care of with the help of the Port Director, Chris Gardner. As previously mentioned at meetings, the numbers in terms of traffic on the ships are up.

The City Clerk informs the Council that Kathryn Lewis has submitted an annual report from **RC&D**. Ms. Lewis serves as liason and takes a moment to share with the Council that Congress wants to cut the program and asks the Council for their support to help preserve this service and offers up the availability of information with respect to the program. Ms. Lewis requests a Letter of Support from the Council.

Dean Pike addresses the Council in reference to reinstituting the Maine Marine Center Advisory Committee. He notes that they have been active up until when Bud left and when Jon took office. He feels that given where the City is at with the Boat School facility, it is a good time to look at utilizing this board to receive their input. The committee consists of nine individuals with alternates. Therefore, the request is for Council to consider the reinstatement of this board.

MOTION CRITCHLEY SECOND MILLER
To *discuss and consider* the reinstatement of the Maine Marine Center Advisory Committee at the next Council meeting as requested by Dean Pike.

PASSED 4-0

7. SCHEDULE PUBLIC HEARINGS

MOTION CRITCHLEY SECOND MILLER
To schedule a Public Hearing on April 13th, 2011 for a Zoning Ordinance Amendment on Christina M. Fisheries, Inc.

PASSED 4-0

MOTION CRITCHLEY SECOND MILLER
To schedule a Public Hearing on April 13th, 2011 for the renewal of Victular Licenses.

PASSED 4-0

MOTION CRITCHLEY SECOND MILLER
To schedule a Public Hearing on April 13th, 2011 for the renewal of a
Liquor License for Al & Linda Sallerioli d/b/a The Rose Garden.

PASSED 4-0

8. TIDES INSTITUTE – CCED UPDATE *(Creative Community Equals Economic Dev)*

Jude Valentine addresses the Council and updates them on a grant that has been awarded them and gives some briefing of what it entails and will continue to update the Council as they progress along and encourages public input.

9. SCHOODIC SCULPTURE SYMPOSIUM AT OVERLOOK PARK

Jude Valentine gives a brief history of what the Schoodic Symposium is about and continues forward with showing a slide reflective of the artists work that will be submitted by the finalists and advises that Eastport has been chosen as one of the site locations.

10. KENDALL HEAD PROJECT – TOM BOUTUREIRA
(Downeast Coastal Conservancy)

Mr. Tom Boutureira with Downeast Coastal Conservancy who is based out of Machias, Maine addresses the Council with respect to a proposal concerning a conservation and recreational opportunity for the Eastport area and asks the Council for a Letter of Support in this regard for an application that they will be submitting which holds a deadline for submission of April 1st, 2011. Mr. Boutureira continues forward and provides some history and explains who and what Downeast Coastal Conservancy represents. He further explains that this proposal reflects consideration of a purchase for 51 acres on Kendall Head which would be utilized to provide public access for recreational purposes and to also incorporate parking for such which would entail a trail easement. Councilor Critchley asks for clarification in terms of what they consider to be recreational. Mr. Boutureira responds that this project would be specific to ***“recreational for public access”*** but that they would have to adhere to the **State law** in terms of hunting, fishing, and trapping, etc. as well as the criteria for the required posting. Council President, Peacock asked if this project would consider snowmobiling and four-wheeling to be recreational and Mr. Boutureira responded that he did not believe that this would be allowed. Questions were also raised relative to seaweed harvesting and Mr. Boutureira confirms that this would not be permissible as per **State law**. Council President, Peacock addresses questions in terms of taxes. Resident, Shannon Emery, expresses her concern of the possibility of hunting taking place and Mr. Boutureira advises that they must abide by **State statute** and that they are not in the position of barring such activities. Ms. Emery’s question raised was that if the school were to have a field trip at the proposed site would

hunters be allowed. The response was that the required postings would be in place. Councilor Morang advises that there is presently no hunting allowed on the property in question. Councilor Cummings asks questions with regard to the current status of the property with the Seller. Mr. Boutureira advises that there is no contract at this time but that it is being considered and would like to move forward in that respect. If it goes tax exempt, the City would not receive any reimbursement per Tax Assessor, Robert Scott. Although consideration is to be given in terms of taxes, Mr. Boutureira reminds the Council that this project would allow public access to properties that is somewhat limited now and they are hoping to create a resource not only for the local residents and the communities but to also put us on the map for the tourists in terms of what is available recreationally. Councilor Cummings asks questions in terms of how this project would affect the Railroad and LNG. Council President, Peacock asks if they would be opposed to the LNG. Mr. Boutureira expresses that they presently hold no formal position on this matter. However, that is not to say that there may not be members of the board who might be in opposition. Council President, Peacock advises that he would not vote on this matter until questions related to tax issues as well as how the project would affect other developers are addressed for consideration. Councilor Morang asked if this project would provide jobs. Councilor Miller asked what is required of the Council this evening. Mr. Boutureira informs that a letter of support is required to continue forward with the process of the search for funding which has an April 1st deadline. Councilor Morang feels that the Council needs more time and asks if Mr. Boutureira if he could look into the questions raised at this evening's meeting with respect to the taxes and LNG.

MOTION MILLER SECOND CRITCHLEY
To place Downeast Coastal Conservancy on the agenda for the March 15th, 2011 Special City Council meeting to readdress the Council relative to the concerns of taxes and LNG with respect to the proposed Kendall Head project.

PASSED 5-0

11. KEVIN RAYE

Kevin Raye was unable to be present due to the need to be in Augusta. Nonetheless, an annual report was forwarded to the City Manager, Jon Southern, and was read as submitted.

Chairman Pro Tem, Dave Morang asks for a motion from the Council to turn the meeting back over to Council President, Peacock before they address the City Manager's Issues portion of the agenda.

MOTION MILLER SECOND CRITCHLEY
To have Council President, Peacock resume his duties as Chairman for the remainder of the meeting.

12. CITY MANAGER'S ISSUES

The City Manager advises that the Budget Committee has met and they are in hopes to have a draft of the proposed FY2012 budget soon.

Although funding for the December, 2010 storm has been on and off, funding has currently been approved to reimburse the City for \$60,000.

The Committee in Augusta has met relative to the bill on the Boat School. However, it has been split into two sessions. It is the City Manager's understanding that the first portion of the bill passed in that it gives the City the authority to sell said property but that the second portion of the bill addresses the transfer of the property. The City Manager advises that David Marlow is on board and is discussing his plans to continue forward. The City Manager informs the Council that Dean Pike was able to visit Mr. Marlow's facility in Florida and offers him up the opportunity to speak in this regard. Mr. Pike speaks with regard to Mr. Marlow's intentions as well as the importance and need for the Boat School to remain within the community.

The City Manager informs the Council that the FY2010 audit is complete and that a draft copy has been provided for review. Upon completion of the Council's review, a meeting will be scheduled for the Auditor to come and present said audit.

Councilor Cummings and the City Manager reminds the Council that the Proclamation for Paul Richardson was to be given this evening but it is being tabled until the next meeting to allow for the contacting of family members.

13. OPEN FORUM

Council President, Peacock reminds everyone that Executive Session will take place at 8:00 p.m. due to the change of the meetings now beginning at 6:00 p.m.

Will Bradbury addresses the Council with respect to the "Consea Property" in that he and others feel that this property should be considered for a City Park. Questions were raised as to whether or not the Council considered the intent of said property to serve in another light and Council President, Peacock answered no.

Sally Erickson addresses the Council relative to an "Efficiency Maine" program referred to as ***PACE Loan Program*** and asks the Council to consider their participation in the adoption of an ordinance to put this in place so that Eastport would be able to partake of this opportunity. She presents the model ordinance and contract to the Council for their review. There is no expense to the City.

The Council was addressed by various local residents and businesses with respect to their questions and concerns about the discharge of Police Chief, Matt Vinson. Council responded that it could not be discussed as it was a personnel matter and they have been advised by Legal Counsel. Questions were raised pertaining to the "Freedom of Information" Act. Legal Counsel advises that this *does not* apply to personnel matters. Shannon Emery addresses the Council with the question as to whether or not the City has 24-hour coverage. The City Manager responded with an affirmative "yes" and the quality of service has not been jeopardized.

Council allows City Manager to speak. He advises that he is looking into several outside agencies to provide options for the internal review of the police department to help with the operation and structure of the department. He is presently communicating with Bruce Swartz with the Maine Police Chief Association whereby they provide a service for a fee that involves a complete investigation and overhaul of the department. Findings, facts, reviews, and determinations of internal controls and processing will be established to help with the restructure.

14. EXECUTIVE SESSION

MOTION MORANG SECOND CRITCHLEY
To go into Executive Session to discuss one personnel matter under Title 1 M.R.S.A. § 405(6)(A)

PASSED 5-0 7:50 P.M.

MOTION MORANG SECOND CRITCHLEY
To come out of Executive Session.

PASSED 5-0 9:02 P.M.

15. ADJOURNMENT

MOTION MORANG SECOND CRITCHLEY
To adjourn.

PASSED 5-0 9:03 P.M.